UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,102	03/16/2001	Eddy Gorsuch	LIPS-002/00US	8300

7590 08/04/2004	EXAMINER
COOLEY GODWARD LLP	HARRELL, ROBERT B
Attention: Patent Group	

ART UNIT	PAPER NUMBER
2142	

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DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/811,102	GORSUCH ET AL.
	Examiner	Art Unit	
	Robert B. Harrell	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2001*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-36* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *16 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☒ Other: *see attached Office Action*.

1. Claims 1-36 are presented for examination.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The claims are more directed to: SYSTEM AND METHOD FOR FACILITATING REAL-TIME, MULTI-POINT CONFERENCING OVER AN ELECTRONIC NETWORK BY ASSIGNING CLIENTS TO SERVERS WITH AVAILABLE CAPACITY.

3. Figures should be individually mentioned in the BRIEF DESCRIPTION OF THE DRAWINGS and not grouped (e.g., use --Figs. 10A, 10B, 10C, and 10D illustrate-- and not "Figs.10A-10D illustrate"). The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, and clarity of meaning in the Specification, Drawings, and claims.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless –

(e)   the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

5. Claims 1-36 are rejected under 35 U.S.C. 102 (e) as being by Catanzaro et al. (US 6438111 B1).

6. Prior to addressing the grounds of the rejection, should this application ever be the subject of public review by third parties not so versed with the technology, the following additional indicia in this examiner's Office Action is an aid to refer attention to relevant and helpful elements, figures, and/or text upon which the examiner relies to support his position. Thus, the following citations are neither all-inclusive nor all-exclusive in nature as the whole of the reference is cited and relied upon in this action; this is a rejection under 35 U.S.C. 102.

7. Per claim 19, Catanzaro taught *a system* (e.g., see Title "System") *for facilitating conference* (e.g., see Title "Conference") *communications* (e.g., figure 3 (165 ("Communications")), col. 1 (line 5 "communications"), and col. 2 (line 1 (first word))), *comprising:*

a) *a plurality of media servers* (e.g., see figure 1 (20, 10-1, 10-2), figure 2 (110, 115, 120), and col. 2 (line 66) to col. 3 (line 2)), *each media server configured* (e.g., without interpreting or limiting 6,438,111 as any text is Prior Art text, see col. 10 (lines 15-16 "servers is configures")) *to provide conference communications* (e.g., see col. 1 (lines 49-53) and col. 3 (lines 56-64)); *and,*
b) *at least one dispatch server* (e.g., see figure 2 (105), figure 3 (166), col. 2 (lines 30-33)) *configured to identify a selected media server of the plurality of media servers having appropriate capacity for providing conference communications* (e.g., see col. 4 (lines 52-56)).

8. Per claim 20, the at least one dispatch server was configured to direct (e.g., see col. 3 (line 42 "directs")) a client ("endpoint" of col. 3 (line 42) was a client per col. 3 (lines 29-30 "endpoints, e.g., the end user") and col. 2 (last two words of line 51)) to the identified media server.

9. Per claim 21, since an originally selected server's capacity was zero (e.g., see col. 4 (line 5)) and the newly selected server had a capacity of at least 100 (e.g., see col. 4 (line 6)), the at least one dispatch server identified the selected media server as having a greatest available capacity among the plurality of media servers (specifically in a two server system where one had a capacity of zero and the other one hundred). Also, per col. 3 (lines 43-50), the server selection was based on a "function"; clearly when one skilled in the art selected a server, that with the greatest resource was inherently selected including selection based on a next-in-line, and in a two server system, the second would have the greatest capacity over the first since Catanzaro was directed to load balancing in col. 6 (line 35).

10. Per claim 22, Catanzaro taught in col. 3 (lines 43-46) that servers were selected based upon a function of "availability"; clearly if a server was schedule to be inactivate during the conference time period, that server was disregarded among the servers. Hence, it was anticipated that the at least one dispatch server disregards media servers of the plurality of media servers that have been scheduled for inactivity during a time period for conference communications for the client (side note, "inactivity" would imply a capacity of zero and thus such a server would be disregarded). Also, clients that were "banded" (i.e., "G-Lined" "L-Lined" "Kicked") on a specific server would not be brokered to that server.

11. Per claim 23, per col. 3 (lines 43-46) if the CPU and or operating system could not accommodate the media type (audio visual over text), then it was anticipated the at least one dispatch server identified the selected media server on the basis of media type. If the server was text based only (i.e., IRC Chat Room Undernet) with no audio visual abilities, it was not selected for requested audio visual based conferences of the type covered in col. 1 (lined 19-20 "NetMeeting").

12. Per claim 24, since col. 3 (line 12) and col. 5 (line 8) taught implementing the "Internet", one must first log on to their provider and hence it was anticipated there was an authentication server configured to authenticate client communication requests; such would be at minimum, the client's (user's) Internet Service Provider. Also, many Chat Room and other conference based system required a client to enter a "user id" and "password" to authenticate into the system

and/or to join a conference (e.g., see Abstract (lines 2-3 "join a particular conference") and col. 2 (lines 15-16)) which were closed to the general public (room marked Private per col. 3 (line 22 "private channel") and col. 5 (line 21 "private channel")).

13. Per claims 25 and 26, such do not substantially teach or define above the correspondingly rejected claims and are thus rejected for the same reasons given above. However, "join conference request" was taught in the Abstract (lines 2-3) and col. 2 (lines 15-16) where the client host service module was the software running on either the "host server", or the "current server" as taught in col. 3 (lines 60-64) or the anticipated software in the dispatch server (figure 2 (105), or through the Internet Service Provider who received, and either acted or passed on to the dispatch server (105 of figure 2), the client's (user's) connect request in the form of logging in (such is an act of a connect request with an acknowledgment to the client as a notice of a successful connection (whatever normally comes after the login process such as, in some cases, "the message of the day" or some other form of greetings and salutations) prior the client (user) sending a "join conference" request) as indicated above that received the "join conference" request.

14. Per claims 27, 28, 29 and 30, the inherited limitations of the parent claims do not substantially teach or define above the correspondingly rejected claims and are thus rejected for the same reasons given above. However, col. 6 (lines 20-32) covered the claimed second user and col. 4 (lines 37-38) for updating. It should be noted that no actual update was anticipated if the client did not actually join the conference (i.e., failed to connected to the media server (running software such as "dispatchee modules" as called for in later claims) or left the conference (i.e., as the last conference member, in which case all clients have left the conference on the media server)) or the capacity had reached a limit thus triggering the selection of another server or was simply unavailable (no longer able to support a conference) and thus such indications, from the softwares (dispatchee) running on the servers, were anticipated by Catanzaro else the table would be in error; and, as stated above in col. 3 (line 42 "directs new endpoint") it was anticipated that the system "directed" (provide an identity such as an Internet http address (that contained a channel (port) number) for a server to the client as suggested in col. 4 (line 26)). Also, if a active server was about to go down (off line), clearly it would indicate that it could no longer support the conference such that another server could be selected and "direct" the client (user) to the new Internet http address.

15. Per claims 31, 32, 33, 34, 35, and 36, such do not substantially teach or define above the correspondingly rejected claims and are thus rejected for the same reasons given above; however, col. 3 (line 42) "directs" was/is defined in the common English langue as "to guide by advice, instruction" and/or "to show a person the way to a place" (i.e., see above with respect to claim 20); thus, providing an Internet http address (as recited in col. 4 (line 26)) to show a person (client) the way to a place (server) was covered by the broad term "directs". In fact, per col. 3 (line 6), TCP/IP packets were implemented by Catanzaro, thus the client (user) required to know the IP address (IP number and port number (channel identity)) of the server to continue the conference with/through the server after the dispatch server (105 as indicated above) brokered a connection between the client and the server (e.g., see col. 5 (line 27 "Broker")) as covered in

figure 4 ("END", clearly after the client was directed to the server the conference did not suddenly "end", this was the end of the dispatch server's broker functions to which the client (user) and sever could continue the conference there between). Thus for the client to continue to send TCP/IP data packets to their server for continued conference interaction, the client had to receive the new server Internet http IP address of the server). The connect service module (transmission software) was shown in figure 2 (101, 106, 107) and the mesh service module was the software in the dispatch server 105 of figure 2.
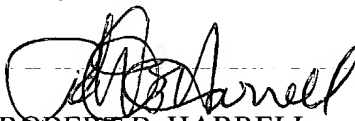
16. Per claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, such do not substantially teach or define above the correspondingly rejected claims and are thus rejected for the same reasons given above. However, for limitations as in claim 12 and 13, such goes from one to many dispatch servers taught by Catanzaro. It was anticipated that Catanzaro did not intend to only have one version of his invention on the Internet but rather elected to provide as many as possible and hence such a switch was inherently required to select among the dispatcher servers. Such would follow figures 1 and 2's tree structure as called for by Catanzaro in col. 3 (line 59 "tree") among many other places in the reference. Also, the Abstract (line 3) and col. 2 (line 16) were directed to "call" and such required a "switch" in a "switched telephone" system per col. 1 (line 13 "switched"). As for claim 14, such is apart of the acknowledgement to an "invite" of col. 2 (lines 14-26); that is, the second server cannot host a conference if such has not been created or cannot be created as further covered in col. 5 (lines 41-65).

17. A shortened statutory period for response to this action is set to *expire 3 (three) months* and 0 (zero) days from the data of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (703) 308-9705. The fax phone numbers for the Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official and Draft papers.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142